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CENTRAL DIST. OF CALIF.
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UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

October 2014 Grand Jury

11 UNITED STATES OF AMERICA,) No. CR 13-665 (D) -JAK
12 Plaintiff,) F O U R T H
13 v.) S U P E R S E D I N G
14 ALMUNTASSER HBAIU,) [18 U.S.C. § 371: Conspiracy to
aka "Alex Hbaiu,") Defraud the United States and
15 GIL CONRAD DIZON,) Deliver Misbranded Drugs in
16 AHED HBAIU,) Interstate Commerce; 18 U.S.C.
17 CHRISTOPHER MOUZON,) § 371: Conspiracy to Structure
MICHAEL KANG, and) Financial Transactions; 18
ABDALLAH NADA,) U.S.C. § 1956(h): Conspiracy to
Commit Money Laundering; 21
18 Defendants.) U.S.C. § 331(a): Delivery of
Misbranded Drugs in Interstate
Commerce; 21 U.S.C. §§ 331(c),
352(a), (e), 333 (a) (1): Receipt
19) of Misbranded Drugs in
Interstate Commerce; 31 U.S.C.
20) § 5324 (a) (3) and (d) (2):
21) Structuring Financial
22) Transactions; 18 U.S.C. § 1343:
23) Wire Fraud; 18 U.S.C. § 1341:
24) Mail Fraud; 18 U.S.C. § 1519:
25) Alteration of Tangible Objects;
26) 18 U.S.C. § 1503: Obstruction of
Justice; 18 U.S.C. § 2: Aiding
and Abetting; 18 U.S.C. §
27) 982(a) (1): Forfeiture; 31 U.S.C.
§ 5317(c): Forfeiture; 18 U.S.C.
§ 981(a) (1)(C): Forfeiture; 18
U.S.C. § 981(a) (1)(C):
28) Forfeiture]

1 The Grand Jury charges:

2 INTRODUCTORY ALLEGATIONS

3 At times material to this Fourth Superseding Indictment:

4 A. The Food and Drug Administration's Regulation of
5 Prescription Drugs and Dietary Supplements

6 1. The United States Food and Drug Administration ("FDA")
7 was an agency of the United States responsible for protecting
8 the health and safety of the American public by assuring, among
9 other things, that drugs sold for administration to humans were
10 safe and effective for the intended uses and bore labeling
11 containing true, complete, and accurate information. The FDA's
12 responsibilities included regulating the labels, labeling,
13 manufacture, and distribution of drugs shipped or received in
14 interstate commerce.

15 2. In order to legally market a drug in interstate
16 commerce, a drug's manufacturer was required to comply with all
17 applicable provisions of the Federal Food, Drug and Cosmetic Act
18 ("FD&C Act"), 21 U.S.C. § 301 et seq. and its implementing
19 regulations.

20 3. The FD&C Act defined the term "drug" to include
21 articles that (1) were intended for use in the diagnosis, cure,
22 treatment or prevention of disease in man; or (2) were intended
23 to affect the structure or any function of the body of man. 21
24 U.S.C. § 353(b)(1)(A).

25 4. Some drugs regulated by the FDA were considered
26 "prescription drugs." "Prescription drugs" were those drugs
27 that, because of their toxicity and other potential harmful
28 effects, were not safe for use except under the supervision of a

1 practitioner licensed by law to administer such drugs. 21

2 U.S.C. § 353(b)(1)(A).

3 5. "Sildenafil Citrate" ("sildenafil") was the
4 established name for active ingredient in the prescription drug
5 "Viagra™" that was indicated to treat erectile dysfunction and
6 was manufactured by Pfizer, Inc. Pfizer was the only company
7 that had an approved New Drug Application on file with FDA for
8 sildenafil citrate and thus was the only company that could
9 legally market this drug.

10 6. "Tadalafil" was the established name for the active
11 ingredient in the prescription drug "Cialis™" that was indicated
12 to treat erectile dysfunction and was manufactured by Eli Lilly.
13 Eli Lilly was the only manufacturer that had an approved new
14 drug application on file with FDA for tadalafil and thus was the
15 only company that could legally market this drug.

16 7. In addition to its responsibilities with regard to
17 drugs, the FDA was also charged with protecting the health and
18 safety of the American public by assuring, among other things,
19 that "food" intended for human consumption was not adulterated
20 or misbranded. Under the FD&C Act, a "dietary supplement" was
21 deemed to be a food. The FD&C Act defined the term "dietary
22 supplement" to mean a product intended to supplement the diet
23 that contained one or more specified ingredients and, among
24 other things, was labeled as a dietary supplement. A product
25 could not be a dietary supplement if it contained an ingredient
26 - such as sildenafil citrate or tadalafil - that FDA had
27 approved as a drug, or if the product made claims that

1 demonstrated that it was intended to be used as a drug. 21
2 U.S.C. § 321(ff).

3 8. Because they were considered to be foods, and not
4 drugs, dietary supplements were not subject to any of FDA's
5 extensive pre-market regulatory authority. 21 U.S.C. § 355.
6 Similarly, manufacturers and distributors of dietary supplements
7 were subject to less rigorous facility inspections than were
8 drug manufacturers.

9 9. The FD&C Act prohibited the introduction or delivery
10 for introduction into interstate commerce, or the causing
11 thereof, of any drug or food that was misbranded or adulterated.
12 21 U.S.C. § 331. It was also a prohibited act to receive in
13 interstate commerce a misbranded or adulterated drug or food and
14 to deliver or proffer delivery of it for pay or otherwise. 21
15 U.S.C. § 331(c).

16 10. The FD&C Act defined many ways a drug was deemed
17 misbranded, including: (1) if its labeling was false or
18 misleading in any particular, 21 U.S.C. § 352(a); (2) if its
19 label did not bear the established name and quantity of each
20 active ingredient, 21 U.S.C. § 352(e)(1)(A); or (3) if it was a
21 prescription drug and was not dispensed pursuant to a licensed
22 medical practitioner, 21 U.S.C. § 353(b)(1).

23 11. Under the FD&C Act, a food was deemed to be misbranded
24 if its labeling was false or misleading in any particular way.
25 21 U.S.C. § 343(a).

26 B. The Products

27 12. "Libigrow", "Libigrow XXXtreme" "Mojo Nights", "Blue
28 Diamond", and other brands marketed and distributed by the

1 defendants herein were gelcaps and pills sold over the counter
2 and on the internet that were labeled and marketed as all
3 natural dietary supplements and "performance enhancers."

4 13. Internet web sites that offered for sale and/or
5 provided information about the gelcaps and pills described in
6 paragraph 12 of this Fourth Superseding Indictment included
7 Libigrow.com, Mojonights.com, Trymojonights.com,
8 Bluediamondpill.com., LibigrowXXXtreme.com and
9 pplusmarketing.zendesk.com.

10 14. The registrants for the web sites listed in paragraph
11 13 of this Fourth Superseding Indictment and the companies
12 associated with the web sites included Performance Plus
13 Marketing, Inc., H&K Nutraceuticals, True2Beauty, Inc., Get It
14 Up, Inc., Libigrow, Inc., Xhale Distributors, and PHD Marketing.

15 C. The Defendants

16 15. Defendant ALMUNTASSER HBAIU, also known as "Alex
17 Hbaiu" ("ALMUNTASSER HBAIU"), was an officer or registered agent
18 of Performance Plus Marketing, Inc., Libigrow, Inc., Get It Up,
19 Inc. and True2Beauty, Inc. The other entities listed in
20 paragraph 14 of this Fourth Superseding Indictment were
21 domiciled at the same location as Performance Plus Marketing and
22 rent for those facilities was paid from an account on which
23 defendant ALMUNTASSER HBAIU had signatory authority.

24 16. Defendant GIL CONRAD DIZON was employed by Libigrow
25 and Xhale Glass, Inc. and was secretary of True2Beauty, Inc.

26 17. Defendant ALMUNTASSER HBAIU and his brother, defendant
27 AHED HBAIU, were co-presidents of Caliber Investments, Inc., a
28 Pennsylvania corporation that at one time owned the 1 Stop

1 Sunoco Gas Station and Convenience Store in York County,
2 Pennsylvania. Defendant AHED HBAIU was responsible for the
3 renovation, construction, and operation of the 1 Stop Sunoco Gas
4 Station and Convenience Store in York County, Pennsylvania.
5 Defendant AHED HBAIU was the president and treasurer of Eclipse
6 Builders, Inc. The web site for Eclipse Builders, Inc.
7 advertised that it was founded in 2002 by Edward Shami (an alias
8 for defendant AHED HBAIU), when, in fact, the business entity
9 was not created until 2007.

10 18. Defendant CHRISTOPHER MOUZON was married to the sister
11 of defendants AHED HBAIU and ALMUNTASSER HBAIU. Bushra Melton
12 and Alaa Jacquez, who are referenced in this Fourth Superseding
13 Indictment, are sisters of defendants AHED HBAIU and ALMUNTASSER
14 HBAIU.

15 19. Defendant ABDALLAH NADA was the president of Mecca
16 Enterprises, dba JSA International, 1541 Powerline Road, Pompano
17 Beach, Florida, a distributor of the Mojo Nights family of
18 products, and Nada Marketing dba Mojo Health, a company
19 domiciled in the same location as Mecca Enterprises, and used
20 for the financial and distribution aspects of Mojo Nights.
21 Defendant ALMUNTASSER HBAIU was listed briefly as the registered
22 agent and as a director of Mecca Enterprises, Inc.

23 20. Defendant MICHAEL KANG was the registered agent of
24 Mista Plus Bioscience, Inc., 3700 Wilshire Blvd., Suite 625, Los
25 Angeles, California 90010. Defendant MICHAEL KANG was part
26 owner of Korsy Enterprises, Inc. and was the registered agent
27 for Nutriplus Services, Inc., the predecessor to Korsy
28 Enterprises, Inc., businesses which were also domiciled at 3700

1 Wilshire Blvd., Suite 625, Los Angeles, California 90010. Mista
2 Plus Bio Science, Inc., Korsy Enterprises, Inc. and Nutriplus
3 Services, Inc. supplied companies owned by defendant ALMUNTASSER
4 HBAIU with dietary supplements and dietary supplement
5 ingredients.

6 21. Kretek International, Moorpark, CA, was the exclusive
7 distributor of the Libigrow family of products. These products
8 included Libigrow, Libigrow XXXtreme, Blue Diamond, Mega
9 Kamasutra, Libigirl, Libigrow shots, and Pink Diamond
10 supplements.

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1 COUNT ONE

2 [18 U.S.C. § 371]

3 22. Paragraphs 1 through 21 of this Fourth Superseding
4 Indictment are re-alleged and incorporated by reference as
5 though fully set forth herein.

6 A. THE OBJECTS OF THE CONSPIRACY

7 23. Beginning in or about October 2006, and continuing
8 through December 2012, in Los Angeles County and Orange County,
9 within the Central District of California, and elsewhere,
10 including the Commonwealth of Pennsylvania, and the states of
11 Florida and Georgia, defendants ALMUNTASSER HBAIU, also known as
12 "Alex Hbaiu," GIL CONRAD DIZON, AHED HBAIU, MICHAEL KANG, and
13 ABDALLAH NADA, and others known and unknown to the Grand Jury,
14 knowingly combined, conspired, and agreed to commit the
15 following offenses against the United States:

16 a. To defraud the United States and its agencies by
17 impeding, impairing, and defeating the lawful functions of the
18 FDA to protect the health and safety of the public by ensuring
19 that drugs (including prescription drugs) were safe and
20 effective for their intended uses, and that foods were safe, and
21 that the labeling of each bore true and adequate information for
22 a consumer to safely use the product;

23 b. To introduce and deliver for introduction into
24 interstate commerce a misbranded drug or food with the intent to
25 defraud and mislead, in violation of Title 21, United States
26 Code, Sections 331(a), 352(a), (e), 353(b)(1), and 333(a)(2); and

27 c. To receive in interstate commerce a misbranded
28 drug or food and to deliver and proffer for delivery thereof for

1 pay and otherwise with the intent to defraud and mislead, in
2 violation Title 21, United States Code, Sections 331(c),
3 352(a)(e), 353(b)(1), and 333(a)(2).

4 B. THE MANNER AND MEANS OF THE CONSPIRACY

5 24. The objects of the conspiracy were carried out, and to
6 be carried out, in substance as follows:

7 a. Defendants ALMUNTASSER HBAIU, GIL CONRAD DIZON,
8 AHED HBAIU, MICHAEL KANG, and ABDALLAH NADA would market and
9 distribute products, including "Libigrow", "Libigrow XXXtreme",
10 "Mojo Nights" and "Blue Diamond," as all-natural male
11 enhancement products and dietary supplements when, in fact, the
12 products contained sildenafil or tadalafil, the active
13 ingredients in the prescription drugs Viagra™ and Cialis™ or
14 analogs of these active ingredients.

15 C. OVERT ACTS

16 25. In furtherance of this conspiracy and to accomplish
17 the objects of the conspiracy, defendants ALMUNTASSER HBAIU, GIL
18 CONRAD DIZON, AHED HBAIU, MICHAEL KANG, and ABDALLAH NADA,
19 together with others known and unknown to the Grand Jury,
20 committed and willfully caused others to commit the following
21 overt acts, among others, in the Central District of California
22 and elsewhere:

23 Overt Act No. 1: On or about November 10, 2005, defendant
24 ALMUNTASSER HBAIU purchased the internet domain name
25 Libigrow.com.

26 Overt Act No. 2: On or about the following dates,
27 defendant ALMUNTASSER HBAIU purchased the following internet
28 domain names from GoDaddy: Bluediamondpill.com, December 3,

1 2009; Mojonights.com, February 1, 2010; Korsyenterprises.com,
2 March 30, 2010; Korsyproducts.com, March 30, 2010;
3 LibigrowXXXtreme.com, June 9, 2011; and Trymojonights.com,
4 November 21, 2011.

5 Overt Act No. 3: Starting in or about approximately
6 November 2008, and continuing through in or about September
7 2012, businesses associated with defendant MICHAEL KANG supplied
8 "male enhancement formula" pills, gelcaps and ingredients to
9 businesses controlled by defendant ALMUNTASSER HBAIU.

10 Overt Act No. 4: Starting in or about December 2008, and
11 continuing through in or about December 2012, defendant ABDALLAH
12 NADA, through businesses he controlled, purchased Libigrow and
13 Mojo Nights supplements from businesses controlled by defendant
14 ALMUNTASSER HBAIU and through defendant GIL DIZON, who acted as
15 a salesperson who distributed these products.

16 Overt Act No. 5: Starting in or about December 2010, and
17 continuing through in or about December 2012, defendant
18 ALMUNTASSER HBAIU'S businesses True2Beauty, Inc. and Performance
19 Plus Marketing Inc. distributed the "Libigrow family" line of
20 products through Kretek International.

21 Overt Act No. 6: Beginning in or about June 2011, and
22 continuing through in or about September 2012, defendant
23 ABDALLAH NADA, through a business he was associated with,
24 purchased Libigrow and Libigrow XXXtreme from Kretek
25 International.

26 Overt Act No. 7: On or about October 3, 2011, defendants
27 ALMUNTASSER HBAIU and DIZON obtained exhibitor passes for the
28 National Association of Convenience Stores ("NACS") show in

1 Chicago, Illinois, where they promoted Libigrow and Mojo Nights
2 products, and where an FDA agent obtained samples of Mojo Nights
3 and Libigrow, which were later tested and found to contain an
4 analog of sildenafil.

5 Overt Act No. 8: On or about March 7, 2012, defendants
6 ALMUNTASSER HBAIU and AHED HBAIU, through Caliber Investments,
7 owned the 1 Stop Sunoco Gas Station and Convenience Store at a
8 time when one of their employees sold Libigrow to an FDA agent,
9 which was subsequently tested and found to contain an analog of
10 sildenafil.

11 Overt Act No. 9: On or about July 17, 2012, defendants
12 ALMUNTASSER HBAIU and AHED HBAIU, through Caliber Investments,
13 owned the 1 Stop Sunoco Gas Station and Convenience Store at a
14 time when one of their employees sold Libigrow to an FDA agent,
15 which was subsequently tested and found to contain an analog of
16 sildenafil.

17 Overt Act No. 10: On or about July 26, 2012, defendants
18 ALMUNTASSER HBAIU and AHED HBAIU, through Caliber Investments,
19 owned the 1 Stop Sunoco Gas Station and Convenience Store at a
20 time when one of their employees sold Blue Diamond to an FDA
21 agent, which was subsequently tested and found to contain
22 tadalafil, sildenafil, and analogs of sildenafil.

23 Overt Act No. 11: In or around July 2012, defendant
24 ALMUNTASSER HBAIU served as the contact person for Performance
25 Plus Marketing, Inc. at a time when the websites Libigrow.com,
26 Mojonights.com, trymojonights.com, and bluediamondpill.com were
27 all registered to that business; and at that time an FDA agent
28 purchased Mojo Nights, Blue Diamond, and Libigrow from these

1 websites, and all purchases were tested and found to contain
2 sildenafile, tadalafil, and analogs of sildenafile.

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1 COUNT TWO

2 [18 U.S.C. § 371]

3 26. Paragraphs 1 through 25 of this Fourth Superseding
4 Indictment are re-alleged and incorporated by reference as
5 though fully set forth herein.

6 A. THE OBJECTS OF THE CONSPIRACY

7 27. Beginning in or about May 2009, and continuing through
8 in or about March 2011, in Los Angeles County, within the
9 Central District of California and elsewhere, defendants
10 ALMUNTASSER HBAIU, also known as "Alex Hbaiu," GIL CONRAD DIZON,
11 AHED HBAIU, and CHRISTOPHER MOUZON (collectively, the
12 "defendants"), and others known and unknown to the Grand Jury
13 knowingly combined, conspired, and agreed with each other and
14 with others both known and unknown to the Grand Jury to commit
15 the following offense against the United States:

16 a. To evade the reporting requirements of Title 31,
17 United States Code, Section 5313(a) and the regulations
18 promulgated thereunder, by structuring, and attempting to
19 structure, and assisting in structuring, transactions with a
20 domestic financial institution, in violation of Title 31, United
21 States Code, Section 5324(a)(3).

22 B. THE MANNER AND MEANS OF THE CONSPIRACY

23 28. The object of the conspiracy was carried out, and to
24 be carried out, in substance, as follows:

25 a. Defendants ALMUNTASSER HBAIU, GIL CONRAD DIZON,
26 AHED HBAIU, and CHRISTOPHER MOUZON would structure financial
27 transactions or allow the use of their bank accounts to
28 structure financial transactions using the proceeds of the sales

1 of the products referenced in Count One of this Fourth
2 Superseding Indictment, as well as other proceeds, to avoid cash
3 transaction reporting requirements. These structured deposits
4 would consist, in part, of deposits to bank accounts belonging
5 to or controlled by some or all of the defendants, their family
6 members, or their associates, and these funds would then be
7 transferred to other bank accounts controlled by the defendants,
8 their family members, or their associates and/or used for the
9 benefit of defendant ALMUNTASSER HBAIU.

10 C. OVERT ACTS

11 29. In furtherance of the conspiracy, and to accomplish
12 its object, defendants ALMUNTASSER HBAIU, GIL CONRAD DIZON, AHED
13 HBAIU, and CHRISTOPHER MOUZON, together with others known and
14 unknown to the Grand Jury, committed and willfully caused others
15 to commit the following overt acts, among others, within the
16 Central District of California and elsewhere:

17 Overt Act No. 1: On or about August 26, 2009, an
18 unindicted co-conspirator received a cash deposit of \$9,800 into
19 the unindicted co-conspirator's Bank of America bank account at
20 the Northlake Branch in Tucker, Georgia, and approximately 15
21 minutes later, an unindicted co-conspirator received a second
22 cash deposit of \$9,800 into an unindicted co-conspirator's Bank
23 of America bank account at the Tucker Branch, in Tucker,
24 Georgia. Approximately 30 minutes later, defendant CHRISTOPHER
25 MOUZON received a \$9,800 cash deposit into his Bank of America
26 account at Mountain Industrial Branch in Stone Mountain,
27 Georgia. The driver's license number of defendant ALMUNTASSER
28 HBAIU appears on the deposit slip for this transaction.

1 Overt Act No. 2: On or about October 15, 2010, defendant
2 ALMUNTASSER HBAIU made a \$9,900 cash deposit into the Bank of
3 America bank account of defendant AHED HBAIU. On October 18,
4 2010, a \$9,900 cash deposit was made into Caliber Investments'
5 Bank of America bank account at the 6th - Central Branch in Los
6 Angeles, California. Approximately three minutes later
7 defendant AHED HBAIU received a \$9,900 cash deposit into a Bank
8 of America bank account he controlled at the same bank branch in
9 Los Angeles, California, via a different teller at the same bank
10 branch.

11 Overt Act No. 3: On or about November 1, 2010, defendant
12 ALMUNTASSER HBAIU made a cash deposit of \$9,000 into a Caliber
13 Investments' Bank of America bank account at the Bank of America
14 6th - Central Branch in Los Angeles, California. Approximately
15 eight minutes later, defendant ALMUNTASSER HBAIU made another
16 deposit consisting of \$7,000 cash and \$2,000 in personal money
17 orders at the same branch bank and into the Bank of America
18 account of defendant AHED HBAIU.

19 Overt Act No. 4: On or about October 8, 2010, defendant
20 GIL CONRAD DIZON conducted the following cash transactions at
21 various Bank of America branches in the Atlanta, Georgia, area:
22 11:32 am, \$9,000 deposit in Caliber Investments' account at the
23 Midtown Center Branch; 11:56 am, \$9,900 deposit into defendant
24 AHED HBAIU'S account at Bank of America Plaza; 1:18 pm, \$9,900
25 deposit into Alaa Hbaiu's (aka Alaa Jacquez) account at Ansley
26 Mall; 1:26 pm, \$9,900 deposit into Bushra Melton's account at
27 Buckhead Crossing; 2:03 pm, \$9,900 deposit into GIL DIZON'S
28 account at Monarch Plaza; and 4:01 pm, \$9,100 purchase of a Bank

1 of America cashier's check payable to Caliber Investments at
2 Midtown Center. This same check was deposited minutes later
3 into Caliber Investments' account at Midtown Center.

4 Overt Act No. 5: Between on or about May 2009, and on or
5 about September 2009, a substantial portion of the cash deposits
6 structured were used to satisfy a bank mortgage held on the
7 residence of Bushra and James Melton located at 1806 Meadow
8 Ridge Drive, Hummelstown, Pennsylvania (the "Hummelstown
9 Property"); and approximately one year later, on or about
10 September 15, 2010, defendant ALMUNTASSER HBAIU took title to
11 the Hummelstown Property by way of a Quit Claim Deed.

12 Overt Act No. 6: Between in or about August 2009, and in
13 or about March 2011, defendants ALMUNTASSER HBAIU and AHED HBAIU
14 used a substantial portion of the structured cash deposits to
15 fund the business operations of Caliber Investments, 1 Stop
16 Sunoco Gas Station, and Eclipse Builders, Inc., all located in
17 York County, Pennsylvania.

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1 COUNT THREE

2 [18 U.S.C. § 1956 (h)]

3 30. Paragraphs 1 through 29 of this Fourth Superseding
4 Indictment are re-alleged and incorporated by reference as
5 though fully set forth herein.

6 A. THE OBJECT OF THE CONSPIRACY

7 31. Beginning in or about December 2008, and continuing
8 through in or about December 2012, in Los Angeles County and
9 Orange County, within the Central District of California, and
10 elsewhere, including the state of Florida, defendants
11 ALMUNTASSER HBAIU, also known as "Alex Hbaiu," MICHAEL KANG,
12 ABDALLAH NADA, and others known and unknown to the Grand Jury,
13 knowing that the property involved in a financial transaction
14 represented the proceeds of mail fraud which mail fraud caused
15 the unlawful introduction, delivery, and receipt of misbranded
16 drugs in interstate commerce, did intentionally and knowingly
17 unlawfully combine, conspire, and confederate and agree with
18 each other and with others known and unknown to the Grand Jury,
19 to conduct or attempt to conduct a financial transaction
20 involving the proceeds of the unlawful activity with the intent
21 to promote the carrying on of the unlawful activity, a violation
22 of Title 18, United States Code, Section 1956(a)(1)(A)(i).

23 B. THE MANNER AND MEANS OF THE CONSPIRACY

24 32. The object of the conspiracy was carried out, and to
25 be carried out, in substance, as follows:

26 a. Defendant ABDALLAH NADA and others known and
27 unknown to the Grand Jury would pay money towards the purchase
28 of products containing the prescription drugs that they obtained

1 by way of interstate commercial carrier from defendant
2 ALMUNTASSER HBAIU'S businesses.

3 b. Defendant ALMUNTASSER HBAIU would use the
4 proceeds generated from these purchases to purchase additional
5 products containing the prescription drugs from defendant
6 MICHAEL KANG.

7 C. OVERT ACTS

8 33. In furtherance of the conspiracy, and to accomplish
9 its object, defendants ALMUNTASSER HBAIU, MICHAEL KANG, and
10 ABDALLAH NADA, together with others known and unknown to the
11 Grand Jury, committed and willfully caused others to commit the
12 following overt acts, among others within the Central District
13 of California and elsewhere:

14 Overt Act No. 1: Between in or around December 2010 and
15 January 2012, defendant ALMUNTASSER HBAIU, through his business
16 True 2 Beauty, Inc. received in excess of \$2.5 million from
17 Kretek International.

18 Overt Act No. 2: Between in or around February 2012 and
19 November 2012, defendant ALMUNTASSER HBAIU, through his business
20 Performance Plus Marketing, received in excess of \$2.4 million
21 from Kretek International.

22 Overt Act No. 3: Between in or around February 2012
23 through December 2012, defendant ALMUNTASSER HBAIU, through his
24 business Performance Plus Marketing, received in excess of \$1.1
25 million from an accounts receivable factoring company.
26 Defendant ABDALLAH NADA paid for product obtained from defendant
27 ALMUNTASSER HBAIU'S business through this accounts receivable
28 factoring company.

1 Overt Act No. 4: Between in or around June 2011 and
2 January 2012, defendant ALMUNTASSER HBAIU, through his business
3 True 2 Beauty, Inc., paid defendant MICHAEL KANG, through his
4 business Korsy Enterprises, Inc., in excess of \$800,000.

5 Overt Act No. 5: Between in and around February 2012
6 through October 2012, defendant ALMUNTASSER HBAIU, through his
7 business Performance Plus Marketing, paid defendant MICHAEL
8 KANG, through his businesses Korsy Enterprises, Inc. and
9 Nutriplus Services, Inc., in excess of \$2.2 million.

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1 COUNTS FOUR THROUGH THIRTEEN

2 [21 U.S.C. § 331(a); 18 U.S.C. § 2]

3 34. Paragraphs 1 through 33 of this Fourth Superseding
4 Indictment are re-alleged and incorporated by reference as
5 though fully set forth herein.

6 35. Beginning in or about October 2006, and continuing
7 through in or about December 2012, in Los Angeles County and
8 Orange County, within the Central District of California, and
9 elsewhere, including the Commonwealth of Pennsylvania, and the
10 states of Florida and Georgia, defendants ALMUNTASSER HBAIU,
11 also known as "Alex Hbaiu," GIL CONRAD DIZON, AHED HBAIU,
12 MICHAEL KANG, and ABDALLAH NADA and others known and unknown to
13 the Grand Jury, aiding and abetting each other, with the intent
14 to defraud or mislead, unlawfully introduced and delivered for
15 introduction into interstate commerce, and caused the
16 introduction and delivery for introduction into interstate
17 commerce, as set forth in Counts Four through Thirteen, drugs
18 that were misbranded in the following ways:

19 a. within the meaning of 21 U.S.C. § 353(b)(1), in
20 that the drugs were prescription drugs dispensed without a
21 prescription of a practitioner licensed by law to administer
22 such drugs;

23 b. within the meaning of 21 U.S.C. § 352(a), in that
24 its labeling was false and misleading in any particular; and

25 c. within the meaning of 21 U.S.C. § 352 (e), in
26 that the label on the drug did not list the ingredient.

27 COUNT FOUR: On or about October 3, 2011, an FDA agent
28 obtained a sample of Mojo Nights and Libigrow at the National

1 Association of Convenience Stores ("NACS") show in Chicago, IL.
2 A representative of Kretek International was in attendance at
3 the NACS. The samples were tested and found to contain an
4 analog of sildenafil. Defendants ALMUNTASSER HBAIU and GIL
5 DIZON obtained exhibitor passes for that show.

6 COUNT FIVE: On or about March 7, 2012, an FDA agent
7 purchased Libigrow from the 1 Stop Sunoco Gas Station and
8 Convenience Store in York County, Pennsylvania, the operation of
9 which was the responsibility of defendant AHED HBAIU. The
10 sample was tested and found to contain an analog of sildenafil.

11 COUNT SIX: On or about March 20, 2012, an FDA agent placed
12 an order via the internet for Libigrow on www.libigrow.com. The
13 shipment of Libigrow generated by this order was found to
14 contain sildenafil, tadalafil, and analogs of sildenafil.

15 COUNT SEVEN: On or about July 17, 2012, an FDA agent
16 purchased Libigrow and Mojo Nights from the 1 Stop Sunoco Gas
17 Station and Convenience Store in York County, Pennsylvania. The
18 samples were tested and found to contain an analog of
19 sildenafil.

20 COUNT EIGHT: On or about July 26, 2012, an FDA agent
21 purchased Blue Diamond from the 1 Stop Sunoco Gas Station and
22 Convenience Store in York County, Pennsylvania. The same sample
23 was tested and found to contain tadalafil, sildenafil, and
24 analogs of sildenafil.

25 COUNT NINE: On or about July 26, 2012, an FDA agent placed
26 an order via the internet for Libigrow on www.libigrow.com. The
27 pills were shipped from Total Fulfillment Shipping, 5560 E. 61st
28 Street, Commerce, California, to an undercover post office box

1 in Lebanon, Pennsylvania. The pills were tested and found to
2 contain sildenafil, tadalafil, and analogs of sildenafil.

3 COUNT TEN: On or about July 26, 2012, an FDA agent placed
4 an order via the internet for Libigrow on www.libigrow.com. The
5 pills were shipped from Total Fulfillment Shipping, 5560 E. 61st
6 Street, Commerce, California, to an undercover post office box
7 in Lebanon, Pennsylvania. The pills were tested and found to
8 contain sildenafil, tadalafil, and an analog of sildenafil.

9 COUNT ELEVEN: On or about July 26, 2012, an FDA agent
10 placed an order via the internet for Mojo Nights on
11 www.trymojonights.com. The pills were shipped from Shipping
12 Department True2Beauty, Inc., 5560 E. 61st Street, Commerce,
13 California, to an undercover post office box in Lebanon,
14 Pennsylvania. The pills were tested and found to contain
15 sildenafil, tadalafil, and an analog of sildenafil.

16 COUNT TWELVE: On or about July 26, 2012, an FDA agent
17 placed an order via the internet for Mojo Nights on
18 www.mojonights.com. The pills were shipped from Total
19 Fulfillment Shipping, 5560 E. 61st Street, Commerce, California,
20 to an undercover post office box in Lebanon, Pennsylvania. The
21 pills were tested and found to contain sildenafil, tadalafil,
22 and an analog of sildenafil.

23 COUNT THIRTEEN: On or about July 26, 2012, an FDA agent
24 placed an order via the internet for Blue Diamond on
25 www.bluediamondpill.com. The pills were shipped from Shipment
26 Department, True2Beauty, Inc., 5560 E. 61st Street, Commerce,
27 California, to an undercover post office box in Lebanon,
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1 Pennsylvania. The pills were tested and found to contain found
2 to contain sildenafil, tadalafil, and an analog of sildenafil.

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1 COUNT FOURTEEN

2 [21 U.S.C. §§ 331(c), 352(a), (e), 333(a)(1); 18 U.S.C. § 2]

3 36. Paragraphs 1 through 35 of this Fourth Superseding
4 Indictment are re-alleged and incorporated by reference as
5 though fully set forth herein.

6 37. Beginning in or about October 2006, and continuing
7 through in or about December 2012, in Los Angeles County and
8 Orange County, within the Central District of California, and
9 elsewhere, including the Commonwealth of Pennsylvania, and the
10 States of Florida and Georgia, the defendants ALMUNTASSER HBAIU,
11 also known as "Alex Hbaiu," GIL CONRAD DIZON, AHED HBAIU,
12 MICHAEL KANG, and ABDALLAH NADA, and others known and unknown to
13 the Grand Jury, aiding and abetting each other, received
14 misbranded drugs in interstate commerce, specifically sildenafil
15 and tadalafil and analogs of sildenafil and tadalafil, and
16 delivered them and proffered for delivery thereof for pay and
17 otherwise.

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1 COUNT FIFTEEN

2 [31 U.S.C. §§ 5324(a)(3), (d)(2); 18 U.S.C. § 2]

3 38. Paragraphs 1 through 37 of this Fourth Superseding
4 Indictment are re-alleged and incorporated by reference as
5 though fully set forth herein.

6 39. Beginning in or about May 2009, and continuing through
7 in or about March 2011, in Los Angeles County, within the
8 Central District of California and elsewhere, including the
9 Commonwealth of Pennsylvania, and the state of Georgia, the
10 defendants ALMUNTASSER HBAIU, also known as "Alex Hbaiu," GIL
11 CONRAD DIZON, AHED HBAIU, and CHRISTOPHER MOUZON, and others
12 known and unknown to the Grand Jury, aiding and abetting each
13 other, did knowingly and for the purpose of evading the
14 reporting requirements of Title 31, United States Code, Section
15 5313(a), and the regulations promulgated thereunder, structure
16 and attempt to structure transactions with a domestic financial
17 institution, and did so as part of a pattern of illegal activity
18 involving more than \$100,000 in a 12-month period.

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1 COUNTS SIXTEEN AND SEVENTEEN

2 [18 U.S.C. §§ 1343 and 2]

3 40. Paragraphs 1 through 39 of this Fourth Superseding
4 Indictment are re-alleged and incorporated by reference as
5 though fully set forth herein.

6 41. Beginning in or about December 2008, and continuing
7 through in or about December 2012, in Los Angeles County and
8 Orange County, within the Central District of California, and
9 elsewhere, including the Commonwealth of Pennsylvania, and the
10 states of Florida and Georgia, defendants ALMUNTASSER HBAIU,
11 also known as "Alex Hbaiu," GIL CONRAD DIZON, MICHAEL KANG,
12 ABDALLAH NADA, and others known and unknown to the Grand Jury,
13 aiding and abetting each other, devised a scheme and artifice to
14 defraud, and for obtaining money and property by means of false
15 and fraudulent pretenses, representations and promises as
16 described in previous counts of this Fourth Superseding
17 Indictment and, on or about the dates set forth below, did cause
18 to be transmitted by means of wire, radio, or television
19 communication in interstate and foreign commerce, any writing,
20 sign, signal, picture or sound for the purpose of executing such
21 scheme or artifice, as described below:

22 COUNT SIXTEEN: On March 20, 2012, an FDA agent placed an
23 order via the internet for Libigrow. The shipment of Libigrow
24 generated by this order was found to contain sildenafil,
25 tadalafil, and analogs of sildenafil.

26 COUNT SEVENTEEN: On July 26, 2012, an FDA agent placed an
27 order via the internet for Libigrow. The shipment of Libigrow

1 generated by this order was found to contain sildenafil,
2 tadalafil, and analogs of sildenafil.

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1 COUNTS EIGHTEEN THROUGH TWENTY-TWO

2 [18 U.S.C. §§ 1341 and 2]

3 42. Paragraphs 1 through 41 of this Fourth Superseding
4 Indictment are re-alleged and incorporated by reference as
5 though fully set forth herein.

6 43. Beginning in or about December 2008, and continuing
7 through in or about December 2012, in Los Angeles County and
8 Orange County, within the Central District of California and
9 elsewhere, including the Commonwealth of Pennsylvania and the
10 states of Florida and Georgia, defendants ALMUNTASSER HBAIU,
11 also known as "Alex Hbaiu," GIL CONRAD DIZON, MICHAEL KANG, and
12 ABDALLAH NADA, and others known and unknown to the Grand Jury,
13 aiding and abetting each other, devised a scheme and artifice to
14 defraud, and for obtaining money and property by means of false
15 and fraudulent pretenses, representations and promises as
16 described in previous counts of this Fourth Superseding
17 Indictment and, in furtherance of and for purpose of executing
18 or attempting to execute this scheme and artifice to defraud, on
19 or about the dates set forth below, did knowingly cause any
20 matter or thing to be sent, delivered, and moved by the United
21 States Postal Service and private and commercial interstate
22 carriers, to and from the address set forth below, according to
23 the direction thereon:

24 COUNT EIGHTEEN: On or about July 11, 2012, a package
25 containing purported "legitimate" samples of Mojo Nights and a
26 letter from counsel for defendant ALMUNTASSER HBAIU was sent
27 from a law firm in Washington D.C. to the FDA in Silver Spring,
28 MD. The pills, which originated at defendant ALMUNTASSER

1 HBAIU's business in the Central District of California, were
2 tested and were found not to contain the prescription drugs.

3 COUNT NINETEEN: On or about July 26, 2012, an FDA agent
4 purchased Blue Diamond through the web site bluediamondpill.com.
5 The pills were shipped from Shipment Department, True2Beauty,
6 Inc., 5560 East 61st Street, Commerce, California, to an
7 undercover post office box in Lebanon, PA. The pills were
8 tested and found to contain sildenafil, tadalafil, and an analog
9 of sildenafil.

10 COUNT TWENTY: On or about July 26, 2012, an FDA agent
11 purchased Libigrow through the web site libigrow.com. The pills
12 were shipped on or about July 27, 2012, from Total Fulfillment
13 Shipping, 5560 East 61st Street, Commerce, California, to an
14 undercover post office box in Lebanon, Pennsylvania. The pills
15 were tested and found to contain sildenafil, tadalafil, and
16 analogs of these drugs.

17 COUNT TWENTY-ONE: On or about July 26, 2012, an FDA agent
18 purchased Mojo Nights through the web site trymojonights.com.
19 The pills were shipped from Shipment Department True2Beauty,
20 Inc. 5560 East 61st Street, Commerce, California, to an
21 undercover post office box in Lebanon, Pennsylvania. The pills
22 were tested and found to contain sildenafil, tadalafil, and an
23 analog of sildenafil.

24 COUNT TWENTY-TWO: On or about September 10, 2012, 840
25 boxes of Libigrow XXXtreme 12 Count Cartons (10,080 pills) were
26 shipped via interstate commercial carrier FedEx Freight from
27 Kretek International located in Moorpark, California to JSA
28 International in Pompano Beach, Florida. Samples of these

1 products were collected by FDA on October 11, 2012. The samples
2 were tested and found to contain sildenafil, tadalafil, and an
3 analog of sildenafil.

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1 COUNT TWENTY-THREE

2 [18 U.S.C. §§ 1519 and 2]

3 44. Paragraphs 1 through 43 of this Fourth Superseding
4 Indictment are re-alleged and incorporated by reference as
5 though fully set forth herein.

6 45. On or about July 11, 2012, in Los Angeles County and
7 Orange County, within the Central District of California, and
8 elsewhere, including Washington, D.C., defendant ALMUNTASSER
9 HBAIU, also known as "Alex Hbaiu" ("HBAIU"), aided and abetted
10 by individuals known and unknown to the Grand Jury, knowingly
11 altered, destroyed, concealed, covered up, falsified, and made a
12 false entry in any record, document, or tangible object with the
13 intent to impede, obstruct, and influence the proper
14 administration of any matter within the jurisdiction of any
15 department or agency of the United States, or in relation to or
16 contemplation of any such matter or case, in that defendant
17 HBAIU caused false "samples" of Mojo Nights that did not contain
18 prescription drugs to be submitted to the FDA in an attempt to
19 influence FDA's investigation of prescription drugs in dietary
20 supplements.

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1 COUNT TWENTY-FOUR

2 [18 U.S.C. §§ 1519 and 2]

3 46. Paragraphs 1 through 45 of this Fourth Superseding
4 Indictment are re-alleged and incorporated by reference as
5 though fully set forth herein.

6 47. On or about December 6, 2012, in Los Angeles County,
7 California, within the Central District of California and
8 elsewhere, defendant MICHAEL KANG ("KANG"), aided and abetted by
9 individuals known and unknown to the Grand Jury, knowingly
10 altered, destroyed, concealed, covered up, falsified, and made a
11 false entry in any record, document, or tangible object with the
12 intent to impede, obstruct, and influence the proper
13 administration of any matter within the jurisdiction of any
14 department or agency of the United States, or in relation to or
15 contemplation of any such matter or case, in that defendant KANG
16 provided false "samples" of the herbal dietary supplement blend
17 powder to federal criminal investigators investigating reports
18 of prescription drugs in dietary supplements.

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1 COUNT TWENTY-FIVE

2 [18 U.S.C. §§ 1503 and 2]

3 48. Paragraphs 1 through 47 of this Fourth Superseding
4 Indictment are re-alleged and incorporated by reference as
5 though fully set forth herein.

6 49. On or about May 30, 2014, in Los Angeles County,
7 California, in the Central District of California, and
8 elsewhere, defendant ALMUNTASSER HBAIU, also known as "Alex
9 Hbaiu" ("HBAIU"), aided and abetted by individuals known and
10 unknown to the Grand Jury, corruptly influenced, corruptly
11 obstructed and impeded, and endeavored to corruptly influence,
12 obstruct, and impede the due administration of justice in United
13 States v. Almuntasser Hbaiu, CR 13-665-JAK, a pending criminal
14 case filed in the United States District Court for the Central
15 District of California, by making false representations in a
16 sworn affidavit filed in defendant HBAIU's Motion to Modify Bail
17 Conditions in an effort to influence the judge's decision.

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1 COUNT TWENTY-SIX

2 [18 U.S.C. § 1956(h)]

3 50. Paragraphs 1 through 49 of this Fourth Superseding
4 Indictment are re-alleged and incorporated by reference as
5 though fully set forth herein.

6 A. THE OBJECT OF THE CONSPIRACY

7 51. Beginning in at least April 2012, and continuing
8 through in or around July 2012, in Los Angeles County and Orange
9 County, within the Central District of California and elsewhere,
10 defendants ALMUNTASSER HBAIU, also known as "Alex Hbaiu," and
11 MICHAEL KANG conspired to engage in monetary transactions in
12 property of a value greater than \$10,000 which was derived from
13 the specified unlawful activities of mail fraud and wire fraud,
14 a violation of Title 18, United States Code, Section 1957.

15 B. MANNER AND MEANS OF THE CONSPIRACY

16 52. The object of the conspiracy was carried out, and to
17 be carried out, in substance as follows:

18 a. Proceeds obtained through mail fraud and wire
19 fraud were deposited into defendant ALMUNTASSER HBAIU'S
20 Performance Plus Marketing, Inc. bank account.

21 b. Defendant ALMUNTASSER HBAIU caused wire transfers
22 to be made from Performance Plus Marketing's bank account to
23 defendant MICHAEL KANG'S Nutriplus Services, Inc.'s bank account
24 to purchase additional products containing prescription drugs.

25 C. OVERT ACTS

26 53. In furtherance of the conspiracy, and to accomplish
27 the object of the conspiracy, defendants ALMUNTASSER HBAIU and
28 MICHAEL KANG, together with others known and unknown to the

1 Grand Jury, committed and willfully caused others to commit the
2 following overt acts, among others, within the Central District
3 of California and elsewhere:

4 Overt Act No. 1: On or about April 13, 2012, defendant
5 ALMUNTASSER HBAIU caused a wire transfer in the amount of
6 \$100,000 to be made from Performance Plus Marketing, Inc. d/b/a
7 HK Nutraceuticals Bank of America account number XXXXX-X0685 to
8 defendant MICHAEL KANG D/B/A Nutriplus Services Inc. Bank of
9 America account number XXXXX-X9835.

10 Overt Act No. 2: On or about April 27, 2012, defendant
11 ALMUNTASSER HBAIU caused a wire transfer in the amount of
12 \$62,839 to be made from Performance Plus Market, Inc. d/b/a HK
13 Nutraceuticals Bank of America account XXXXX-X0685 to defendant
14 MICHAEL KANG d/b/a Nutriplus Services Inc. Bank of America
15 account number XXXXX-X9835.

16 Overt Act No. 3: On or about May 16, 2012, defendant
17 ALMUNTASSER HBAIU caused a wire transfer in the amount of
18 \$118,800 to be made from Performance Plus Marketing d/b/a HK
19 Nutraceuticals Bank of America account XXXXX-X0685 to defendant
20 MICHAEL KANG d/b/a Nutriplus Services Bank of America account
21 number XXXXX-X9835.

22 Overt Act No. 4: On or about May 29, 2012, defendant
23 ALMUNTASSER HBAIU caused a wire transfer in the amount of
24 \$105,691.50 to be made from Performance Plus Marketing d/b/a HK
25 Nutraceuticals Bank of America account XXXXX-X0685 to defendant
26 MICHAEL KANG d/b/a Nutriplus Services Bank of America account
27 number XXXXX-X9835.

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1 Overt Act No. 5: On or about June 5, 2012, defendant
2 ALMUNTASSER HBAIU caused a wire transfer in the amount of
3 \$51,250 to be made from Performance Plus Marketing d/b/a HK
4 Nutraceuticals Bank of America account XXXXX-X0685 to defendant
5 MICHAEL KANG d/b/a Nutriplus Services Bank of America account
6 number XXXXX-X9835.

7 Overt Act No. 6: On or about June 11, 2012, defendant
8 ALMUNTASSER HBAIU caused a wire transfer in the amount of
9 \$50,000 to be made from Performance Plus Marketing d/b/a HK
10 Nutraceuticals Bank of America account XXXXX-X0685 to defendant
11 MICHAEL KANG d/b/a Nutriplus Services Bank of America account
12 number XXXXX-X9835.

13 Overt Act No. 7: On or about June 14, 2012, defendant
14 ALMUNTASSER HBAIU caused a wire transfer in the amount of
15 \$39,525 to be made from Performance Plus Marketing d/b/a HK
16 Nutraceuticals Bank of America account XXXXX-X0685 to defendant
17 MICHAEL KANG d/b/a Nutriplus Services Bank of America account
18 number XXXXX-X9835.

19 Overt Act No. 8: On or about June 15, 2012, defendant
20 ALMUNTASSER HBAIU caused a wire transfer in the amount of
21 \$75,000 to be made from Performance Plus Marketing d/b/a HK
22 Nutraceuticals Bank of America account XXXXX-X0685 to defendant
23 MICHAEL KANG d/b/a Nutriplus Services Bank of America account
24 number XXXXX-X9835.

25 Overt Act No. 9: On or about July 3, 2012, defendant
26 ALMUNTASSER HBAIU caused a wire transfer in the amount of
27 \$44,541.75 to be made from Performance Plus Marketing d/b/a HK
28 Nutraceuticals Bank of America account number XXXXX-X0685 to

1 defendant MICHAEL KANG d/b/a Nutriplus Services Bank of America
2 account XXXXX-X9835.
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1 FORFEITURE ALLEGATION ONE

2 [18 U.S.C. § 982(a)(1); 21 U.S.C. § 853(p)]

3 54. Pursuant to Federal Rule of Criminal Procedure
4 32.2(a), notice is hereby given that upon conviction of the
5 offense in violation of Title 18, United States Code, Section
6 1956 set forth in Count Three of this Indictment, or the offense
7 in violation of Title 18, United States Code, section 1957 set
8 forth in Count Twenty-Six of this Indictment, each defendant so
9 convicted shall forfeit to the United States of America,
10 pursuant to Title 18, United States Code, Section 982(a)(1), the
11 following:

12 a. All right, title and interest in any property,
13 real or personal, involved in or traceable to such offense
14 including but not limited to \$20,000 U.S. currency seized from
15 5560 East 61st Street, Commerce, CA, on December 5, 2012; and
16 b. A money judgment in the amount of \$7,297,945.00.

17 55. Pursuant to Title 21, United States Code, Section
18 853(p), as incorporated by Title 18, United States Code, Section
19 982(b)(1), each defendant so convicted shall forfeit substitute
20 property, up to the total value of the property described in
21 paragraph 54 if, by any act or omission of the defendant, the
22 property described in paragraph 54 or any portion thereof, (a)
23 cannot be located upon the exercise of due diligence; (b) has
24 been transferred or sold to, or deposited with, a third party;
25 (c) has been placed beyond the jurisdiction of the court; (d)
26 has been substantially diminished in value; or (e) has been
27 commingled with other property that cannot be divided without
28 difficulty.

1 FORFEITURE ALLEGATION TWO

2 [31 U.S.C. § 5317(c); 21 U.S.C. § 853(p)]

3 56. Pursuant to Federal Rule of Criminal Procedure
4 32.2(a), notice is hereby given that upon conviction of any of
5 the offenses in violation of Title 31, United States Code,
6 Section 5324 as set forth in Count Fifteen of this Indictment,
7 or a conspiracy to commit such offense, as set forth in Count
8 Two of this Indictment, each defendant so convicted shall
9 forfeit to the United States of America, pursuant to Title 31,
10 United States Code, Section 5317(c), the following:

11 a. All right, title and interest in any and all
12 property involved in the offense of conviction and all property
13 traceable to such property, including but not limited to
14 property located at 1806 Meadow Ridge Drive, Hummelstown, PA,
15 owned by Almuntasser Hbaiu; and

16 b. A money judgment in the amount of \$454,830.

17 57. Pursuant to Title 21, United States Code, Section
18 853(p), as incorporated by Title 31, United States Code, Section
19 5317(c)(1)(B), each defendant so convicted shall forfeit
20 substitute property, up to the total value of the property
21 described in paragraph 56 if, by any act or omission of the
22 defendant, the property described in paragraph 56 or any portion
23 thereof, (a) cannot be located upon the exercise of due
24 diligence; (b) has been transferred or sold to, or deposited
25 with, a third party; (c) has been placed beyond the jurisdiction
26 of the court; (d) has been substantially diminished in value; or
27 (e) has been commingled with other property that cannot be
28 divided without difficulty.

1 FORFEITURE ALLEGATION THREE

2 [18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), 21 U.S.C.
3 § 853(p)]

4 58. Pursuant to Federal Rule of Criminal Procedure
5 32.2(a), notice is hereby given that upon conviction of any of
6 the offenses in violation of Title 18, United States Code,
7 Section 1343 set forth in Counts Sixteen or Seventeen of this
8 Indictment, each defendant so convicted shall forfeit to the
9 United States of America, pursuant to Title 18, United States
10 Code, Section 981(a)(1)(C) and Title 28, United States Code,
11 Section 2461(c), the following:

12 a. All right, title and interest in any property,
13 real or personal, which constitutes or is derived from proceeds
14 obtained, directly or indirectly, as a result of such violation,
15 or property traceable to such property including but not limited
16 to the balance of Bank of America Account XXXX XXXX 0685, held
17 by Performance Plus Marketing Inc., dba HK Nutraceuticals; the
18 balance of Bank of America Account XXXXX 04542, held by
19 Almuntasser Hbaiu and Abdul Razzak; and

20 b. A money judgment in the amount of \$7,297,945.00.

21 59. Pursuant to Title 21, United States Code, Section
22 853(p), as incorporated by Title 28, Section 2461(c), each
23 defendant so convicted shall forfeit substitute property, up to
24 the total value of the property described in paragraph 58 if, by
25 any act or omission of the defendant, the property described in
26 paragraph 58 or any portion thereof, (a) cannot be located upon
27 the exercise of due diligence; (b) has been transferred or sold
28 to, or deposited with, a third party; (c) has been placed beyond

1 the jurisdiction of the court; (d) has been substantially
2 diminished in value; or (e) has been commingled with other
3 property that cannot be divided without difficulty.

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1 FORFEITURE ALLEGATION FOUR

2 [18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), 21 U.S.C.
3 § 853(p)]

4 60. Pursuant to Federal Rule of Criminal Procedure
5 32.2(a), notice is hereby given that upon conviction of any of
6 the offenses in violation of Title 18, United States Code,
7 Section 1341 set forth in Counts Eighteen through Twenty-Two of
8 this Indictment, each defendant so convicted shall forfeit to
9 the United States of America, pursuant to Title 18, United
10 States Code, Section 981(a)(1)(C) and Title 28, United States
11 Code, Section 2461(c), the following:

12 a. All right, title and interest in any property,
13 real or personal, which constitutes or is derived from proceeds
14 obtained, directly or indirectly, as a result of such violation,
15 or property traceable to such property including but not limited
16 to the balance of Bank of America Account XXXX XXXX 0685, held
17 by Performance Plus Marketing Inc., dba HK Nutraceuticals; the
18 balance of Bank of America Account XXXXX 05542, held by
19 Almuntasser Hbaiu and Abdul Razzak Hbaiu; \$20,000 U.S. currency
20 seized from 5560 East 61st Street, Commerce, CA, on December 5,
21 2012; \$58,392.65 U.S. currency seized from 1541 Powerline Road,
22 Pompano, FL, on December 3, 2012; \$5,743 U.S. currency seized
23 from 1541 Powerline Road, Pompano, FL, on December 3, 2012;
24 \$11,356.71 U.S. currency seized from 1541 Powerline Road,
25 Pompano, FL, on December 3, 2012; and

26 b. A money judgment in the amount of \$7,297,945.00.

27 61. Pursuant to Title 21, United States Code, Section
28 853(p), as incorporated by Title 28, Section 2461(c), each

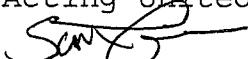
1 defendant so convicted shall forfeit substitute property, up to
2 the total value of the property described in paragraph 60 if, by
3 any act or omission of the defendant, the property described in
4 paragraph 60 or any portion thereof, (a) cannot be located upon
5 the exercise of due diligence; (b) has been transferred or sold
6 to, or deposited with, a third party; (c) has been placed beyond
7 the jurisdiction of the court; (d) has been substantially
8 diminished in value; or (e) has been commingled with other
9 property that cannot be divided without difficulty.

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11 A TRUE BILL

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Foreperson

15 STEPHANIE YONEKURA
16 Acting United States Attorney



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